

Notice of Allowability

Application No.

09/800,368

Examiner

Brian P Mruk

Applicant(s)

IRWIN ET AL.

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to December 4, 2003.
2. ☒ The allowed claim(s) is/are 1-36.
3. ☒ The drawings filed on 13 August 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 9-12-03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20040226.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Brian P. Mruk
Brian P Mruk
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bruce Gray on February 26, 2004.

2. The application has been amended as follows:

IN THE CLAIMS:

Claim 6. In line 1, **delete** "A method for preparing a moisture barrier fabric," **and insert** ---The method of claim 1, further---

Claim 6. In line 2, **after** "contacting", **delete** "a", **and insert** ---the---

Claim 14. In lines 1-3, **delete** "A method for preparing a moisture barrier fabric, comprising: applying at least one coating to a side of a woven fabric, the coating comprising an", **and insert** ---The method of claim 1, wherein the---

Claim 14. In line 3, **after** "latex emulsion", **delete** "of", **and insert** ---comprises a---

Claim 22. In line 1, **delete** "A method for preparing a moisture barrier fabric," **and insert** ---The method of claim 1, further---

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Claim 22. In line 2, **after** "immersing", **delete** "a fabric comprising a woven facecloth and a latex backing", **and insert** ---the woven fabric and latex coating---

Claim 32. In line 1, **delete** "A method for preparing a moisture barrier fabric," **and insert** ---The method of claim 1, further---

Claim 32. In line 2, **after** "immersing", **delete** "a fabric comprising a woven facecloth and a latex backing", **and insert** ---the woven fabric and latex coating---

3. The following is an examiner's statement of reasons for allowance:

Foster, U.S. Patent No. 4,309,800, discloses a felting needle for woven fabrics comprising a needle with a barb that has a barb angle of 20 degrees (see abstract; col. 1, lines 37-62 7 col. 3, lines 63-66). It is further taught by Foster that the needle and barb are used to penetrate a fiber without forming needle marks and craters (see col. 4, lines 9-44). However, patentee differs from applicant in that Foster does not teach or suggest in general a method for preparing a moisture barrier fabric, wherein the treated fabric is coated with an aqueous latex emulsion, as required by applicant in the instant claims.

Duval et al, U.S. Patent No. 5,792,715, discloses a method of making a fibrous substrate comprising needling a woven fibrous substrate with several barbed needles which are moved vertically to cause the needles to penetrate into the fibrous layer (see abstract; col. 1, lines 30-40 & col. 3, lines 50-60). However, patentee differs from applicant in that Duval et al does not teach or suggest in general a method for preparing

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a moisture barrier fabric, wherein the treated fibrous substrate is coated with an aqueous latex emulsion, as required by applicant in the instant claims.

Accordingly, the claims viewed as a whole would not have been obvious to one of ordinary skill in the art at the time of the invention after viewing the prior art of record.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Mruk whose telephone number is (571) 272-1321. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

BPM

Brian Mruk
February 26, 2004

Brian P. Mruk

Brian P. Mruk
Primary Examiner
Tech Center 1700